

COUNTY COURT OF THE STATE OF NEW YORK
WESTCHESTER COUNTY: CRIMINAL

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THE PEOPLE OF THE STATE OF NEW YORK, **AFFIRMATION OF JOSEPH G.
GOUBEAUD, JR., ESQ.**

Plaintiff(s).

Case No.: 6293-2018

- against -

MARC FISHMAN,

Defendant(s).

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JOSEPH G. GOUBEAUD, JR., ESQ., an attorney duly admitted to practice before the
Courts of the State of New York, affirms the truth of the following under the penalty of perjury
pursuant to CPLR 2106:

1. I was the assigned 18-B defense attorney for defendant from 2019 to 2021 and as
such, I am fully familiar with the facts and circumstances of this matter. The source of my
knowledge is the files and records maintained by my office and discussions with defendant.

2. It has been brought to my attention that a recorded phone call made by the alleged
complaining witness was provided to my former client in his pending federal lawsuit on or about
October 13, 2023. It has also been brought to my attention that nearly four hours of partial video
and audio of the New Rochelle Police Department Stationhouse including statements by my client,
Ann Elliot and Isabel Boliver as well as the officer in the window and Officer Schlesinger were
provided to my former client in his pending federal lawsuit on or about October 13, 2023.

3. I do not recall receiving the above items in discovery during the prosecution of this
criminal case.

4. When I copied and sent the file to new counsel, Caner Demirayak, there were no
discs of audio or video in my file. The file is a solely paper file and discovery provided by the
prosecution.

5. If I did receive the audio and video I would have maintained it in my file.

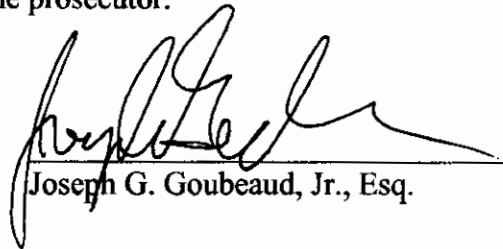
6. If I did receive the audio and video I also would made copies of the audio and video and then have sent it to the new counsel.

7. I only sent a paper copied file to the new counsel as no such discs or electronic discovery was received in this case from the prosecutor.

Dated: Mount Vernon, New York

~~October 19, 2023~~

3/25/24



Joseph G. Goubeaud, Jr., Esq.